



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
ECOSYSTEMS,
TRIBAL AND PUBLIC
AFFAIRS

September 23, 2013

Mr. Dan Drais
Federal Transit Administration
915 Second Avenue, Suite 3142
Seattle, Washington 98174-1002

Mr. Perry Weinberg
Sound Transit
401 South Jackson Street
Seattle, Washington 98104-2826

Re: Lynnwood Link Extension Draft Environmental Impact Statement
EPA Region 10 Project Number: 11-4128-FTA.

Dear Mr. Drais and Mr. Weinberg:

The U.S. Environmental Protection Agency has reviewed the Lynnwood Link Extension Draft Environmental Impact Statement. We are submitting comments in accordance with our responsibilities under the National Environmental Policy Act and Section 309 of the Clean Air Act. We appreciate this opportunity to participate in the NEPA process.

Sound Transit proposes to expand the regional light rail system north from Seattle to Lynnwood, Washington. The corridor is 8.5 miles long and generally follows I-5 from Northgate in King County to Lynnwood in Snohomish County. Six alternatives are evaluated in Segment A (Seattle to Shoreline); four alternatives in Segment B (Shoreline to Mountlake Terrace); and three alternatives in Segment C (Mountlake Terrace to Lynnwood). Because the Sound Transit Board of Directors will identify a preferred alternative based on information in the Final EIS, the Draft EIS does not identify a preferred alternative.

We commend FTA and Sound Transit for including an array of alternatives, which enable decision makers to avoid impacts to communities and the natural environment to a greater extent. We also appreciate your agencies' continued efforts to refine alternatives to further reduce impacts identified through the NEPA process.

Our overall rating for the Draft EIS is EC-2, Environmental Concerns, Insufficient Information. This is based on our concerns regarding specific alternative alignments within Segments B and C that would result in impacts to aquatic resources and Section 4(f) resources that are avoidable through the selection of other available alternatives. However, we rate most alternatives – specifically the alternatives within Segment A, and Alternatives B1, B4, and C3, as LO, lack of objections. An explanation of these ratings is enclosed for your use and information.

We recommend that the following information be provided in the final EIS:

- A 404(b)(1) analysis of alternatives, particularly for Segments B and C.
- More complete disclosure of impacts from Alternatives C1 and C2 to describe the effects from construction and operation of the light rail project within Scriber Creek Park and Wetland Complex. For example, consider the change in experience for park users and wildlife with noise and disturbance from passing trains every 4 minutes, the potential for disproportionate impacts to low income, minority, disabled, and transit dependent populations, and the nature of public comments on the alternatives.
- Identification and listing of land purchase funding sources for and any use restrictions applied (such as Native Growth Protection Areas) to parks and natural areas that would be affected by the proposed project, including but not necessarily limited to Scriber Creek, Scriber Creek Park, Scriber Creek wetland complex and associated natural upland areas and buffers.
- Effects on and potential to maintain or restore ecological connectivity in the project area.
- More specific information regarding the impacts that would cumulatively accrue to the natural area habitats, functions, and values, and the community open space and values of Scriber Creek Park and Scriber Creek wetland complex from the potential selection of the Lynnwood alternative for the Sound Transit Light Rail Operations and Maintenance Satellite Facility (OMSF).
- Cost projections that factor in the likely lower mitigation costs associated with Alternative C3 vs. C1 and C2.
- Information regarding the adequacy of parking to meet demand during and after project construction

Our detailed comments and recommendations regarding the proposed project are enclosed. We thank you for the opportunity to participate in the Lynnwood Link Extension project, and are grateful for the site visit, which provided valuable information and insights on the project alternatives. If you have questions or would like to discuss these comments, please contact me at (206) 553-1601 or by electronic mail at reichgott.christine@epa.gov, or you may contact Elaine Somers of my staff at (206) 553-2966 or by electronic mail at somers.elaine@epa.gov.

Sincerely,



Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit

Enclosures

**U.S. Environmental Protection Agency
Detailed Comments on
Lynnwood Link Extension Draft EIS**

Preferred Alternative Selection

We have no objections or comments regarding the Segment A alternatives. However, there are a number of prominent issues that inform the selection of a preferred alternative in Segment C, and we discuss one with respect to Segment B. Among these are: impacts to ecosystem/aquatic resources, impacts to Section 4(f) resources, and community/environmental justice impacts. We discuss these aspects in their respective sections below:

Aquatic Resources

We appreciate that there are a range of alternatives for each project Segment, which affords the opportunity to avoid impacts to sensitive aquatic resources. The Draft EIS provides information that is usable for a 404(b)(1) analysis, such as the number of acres of wetlands, streams, and buffers that would be affected, but does not attempt to provide a complete 404(b)(1) analysis for the purposes of permitting under Section 404 of the Clean Water Act. The 404(b)(1) analysis would disclose information for the public and decision makers that is vital to selecting a preferred alternative.

Recommendation: Include a 404(b)(1) analysis in the Final EIS.

In Segment C, based on direct and indirect impacts to aquatic resources we would identify Alternative C3 as the environmentally preferred alternative, with Option 1 in the I-5 median as preferred over Option 2 west of I-5. While Alternative C1 has a slightly smaller wetland impact (a difference of 0.1 acre), it would result in other significant and difficult to mitigate impacts, including impacts to Scriber Creek Park and Park users and numerous residential and commercial displacements. Alternative C2 would result in the most direct and indirect wetland impacts to the high value Category II Scriber Creek wetlands through direct habitat loss, fragmentation of the Scriber Creek Wetland Complex, and all associated effects to the plant, animal, and human community of park users.

Recommendation: In Segment C, we support Alternative C3 as the Preferred Alternative.

The discussions regarding cost for the various Segment alignments (p. 5-13) do not appear to include the costs of environmental mitigation for unavoidable impacts, such as, wetland impacts.

In Segment B, Alternatives B1 and B4 have fewer wetland impacts, less impervious surface and resulting water quality impacts, and less cut and fill. Based on these factors, we would expect that either Alternative B1 or B4 could qualify as the Least Environmentally Damaging Alternative for the purposes of 404 permitting.

Recommendation: In Segment B, to minimize impacts to aquatic resources we support Alternative B1 or B4 as the Preferred Alternative.

Community Impacts, Environmental Justice

We commend FTA and Sound Transit for integrating the discussion of transportation, property, land use, economics, visual and aesthetic resources, air quality, noise and vibration, parks and recreation

resources, and public services in the section on "Social impacts, Community facilities, and Neighborhoods" (p. 4-48). We believe this adds value to the analysis and discussion of impacts in the NEPA document (and recommend that it be done in future analyses).

For example, within the Segment C project area, there is a higher than average population of minority residents (37% vs. 32.7% average for King and Snohomish Counties) and, as stated in the Draft EIS (p. 4-51), the residents within the project corridor are generally less well off than residents in the two-county region. Household income is lower than the regional median (85% of the regional median) and 11.3% live at or below the federal poverty level. An estimated 4% of households are transit-dependent, but 3 neighborhoods (Pinehurst, South Lynnwood, and Lynnwood City Center) have more transit-dependent households (7 to 8%). As further evidence of economic condition, 46% are renter-occupied homes; 54% are owner-occupied.

Lynnwood is a heavily urbanized area with few parks and open spaces to serve a largely disadvantaged population. We believe these conditions should weigh heavily in the selection of a preferred alternative within Segment C. Clearly, Alternative C3 would avoid and minimize residential and business displacements (1 business displacement), and would avoid and minimize impacts to Scriber Creek Park (a Section 4(f) resource) and wetland complex, which, based on citizen response to the proposed alternatives since release of the Draft EIS, is much beloved and of disproportionately high value for the affected community. Our site visit to the Park and wetland complex on 9-16-13 revealed it to be an exceptionally high value wetland and natural area, despite its relatively small size. It clearly serves as a tranquil island amid widespread human development.

Recommendations: Provide information in the Final EIS to disclose and characterize the high ecological and community values of Scriber Creek Park and Wetland Complex. Avoid and minimize impacts to Scriber Creek Park and Wetland Complex and residential and business displacements. Alternative C3 is most effective in both respects.

Ecological Connectivity

We agree that long term impacts on ecosystem resources (p. 4-135) may include loss or degradation of terrestrial habitat, including habitat connectivity. The Draft EIS does not provide adequate information about habitat connectivity and the extent to which it exists in the project area and beyond. If there are habitat corridors that are currently providing function in this manner, they should be identified and those functions protected and maintained or potentially enhanced as part of the project, where possible.

Recommendation: Describe the Affected Environment, Environmental Consequences, and possible mitigation for impacts to ecological connectivity for the proposed project.

Cumulative Effects

The Draft EIS includes the proposed Lynnwood site for the Light Rail Operations and Maintenance Satellite Facility in the discussion of cumulative effects. This is helpful and appropriate, however, more specific information regarding the location, extent, and nature of the potential impacts from the OMSF should be provided. While a full analysis will occur in a subsequent EIS, it is not possible to determine whether the direct and/or indirect effects of the OMSF Lynnwood site would compromise the integrity of Scriber Creek Park and wetland complex.

Recommendation: In the Final EIS, provide more information regarding the potential effects of the OMSF Lynnwood site on the Scriber Creek Park and wetland complex.

Land Use Legal Restrictions

The Draft EIS states that no parklands were purchased with Land and Water Conservation Funds, and therefore there are no Section 6(f) resources. However, the Draft EIS provides no information regarding the actual source of funding or authorization to designate the project area parks, particularly Scriber Creek Park. Because the Scriber Creek Wetland Complex has been retained thus far, the legal restrictions and requirements relevant to its protection should be fully identified and disclosed. For example, federal, state, and local protections should be discussed and upheld, including any potential Native Growth Protection Areas, mitigation actions, or other designations that may have been established pursuant to past development activities.

Recommendation: In the Final EIS, disclose the above legal requirements and restrictions that apply to Scriber Creek, Scriber Creek Park, and Scriber Creek Wetland Complex.

Project Cost and Mitigation

The discussions regarding cost for the various Segment alignments (p. 5-13) do not appear to include the costs of environmental mitigation for unavoidable impacts, such as, wetland impacts. The Draft EIS indicates that Alternative C3 has the shortest guide way length and a slightly higher amount of property acquisition than C2. Because C2 would impact almost an acre of high value Category II wetlands (vs. 0.2 acre for C3), Alternative C2 mitigation costs would be higher than for C3.

Recommendation: Factor mitigation costs into any cost comparisons presented in the EIS.

The Draft EIS states (p. 4-145) that temporary work bridges could be used in extremely sensitive areas, such as the Scriber Creek wetland complex. While extremely sensitive areas should be avoided, for any work that may directly or indirectly affect them, such measures should be applied as needed.

Recommendation: Incorporate Context Sensitive Design, Solutions, and construction practices where and whenever there are highly sensitive resources, and as a routine way of doing business.

Parking

The Draft EIS indicates that the Lynnwood Park and Ride is currently at full capacity and that both on- and off-street parking are anticipated to be removed due to the placement of the light rail stations and other project modifications (p. 3-39). While further refinement of parking needs and provision may occur in future phases of the project (p. 3-40), to maximize ridership and availability of transit as a travel option, there needs to be adequate parking.

Recommendations: The amount of parking provided at each station should be further refined to ensure that supply would meet demand. We also encourage efforts to mitigate, i.e., provide some temporary parking, agreements with businesses to use underused lots, shuttle service, etc., the loss of available parking during construction that would affect the Lynnwood Park and Ride.

**U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action***

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.